

for the further reason that a valuable constituent of the article, namely, butterfat, had been abstracted therefrom.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Butter," was false and misleading and deceived and misled the purchaser.

On September 18, 1923, John H. Stelle, McLeansboro, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered adjudging the product to be liable to condemnation and forfeiture, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11853. Adulteration of butter. U. S. v. 100 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 17661. I. S. No. 448-v. S. No. E-4440.)**

On or about July 24, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 tubs of butter at Jersey City, N. J., alleging that the article had been shipped by the Farmers Cooperative Creamery, Hector, Minn., on or about June 6, 1923, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat and containing excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in whole or in part abstracted from the article.

On September 25, 1923, the Minnesota Cooperative Creameries Assoc., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,700, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory to be reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11854. Misbranding of gray shorts. U. S. v. 600 Sacks of Alleged Gray Shorts. Decree of condemnation entered providing for release of product under bond to be relabeled. (F. & D. No. 17680. I. S. No. 7923-v. S. No. W-939.)**

On or about August 4, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 sacks of alleged gray shorts at Los Angeles, Calif., alleging that the article had been shipped by the General Commission Co., Kansas City, Mo., on or about May 17, 1923, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 lbs. net when packed imitation Wheat Gray Shorts & Ground Wheat Screenings not exceeding 8%. Manufactured by Heart Of America Flour Mills Kansas City, Mo. Protein, not less than 16.00% Fat, not less than 3.50% Crude Fibre, not more than 10.00% Carbohydrates, not less than 50.00% Ingredients: Wheat Gray Shorts, Flour \* \* \* Wheat Bran and Ground Wheat Screenings."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the labels were false and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 4, 1923, the case having come on for final disposition before the court, a decree of condemnation was entered, and it was ordered by the